THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 4184 OF 2006

06-03-2006

Between:

Sri Shanmukha Traders, Uppugundur, Prakasam District, rep. by its Proprietor.

……Petitioner

And

The Deputy Commissioner of Commercial Taxes, Nellore Division, Nellore.

…..Respondent

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 4184 OF 2006

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties. With their consent, the

writ petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner by or before 31.3.2006. Till 31.3.2006, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited by or before 31.3.2006. The amount already paid, should be given credit. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly.

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(BILAL NAZKI, J)

6th March 2006

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(G.CHANDRAIAH, J)

ajr